

PATENT
Customer No. 22,852
Attorney Docket No. 07481.0045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kazuo TAGAWA et al.)
Application No.: 10/566,494) Group Art Unit: 1771
Filed: August 29, 2006)
For: REFRIGERATING MACHINE OIL) Examiner: VASISTH, Vishal V.
COMPOSITIONS) Confirmation No.: 5119
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Nippon Oil Corporation, duly organized under the laws of Japan and having its principal place of business at 3-12, Nishi-shimbashi 1-chome, Minato-ku, Tokyo, Japan, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/566,494, filed August 29, 2006, for REFRIGERATING MACHINE OIL COMPOSITIONS in the names of Kazuo TAGAWA, Yuji SHIMOMURA, Toshiyuki OBATA, and Katsuya TAKIGAWA, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 018248, Frame 0773 on August 29, 2006.

Assignee, Nippon Oil Corporation, further represents that it is the assignee of the entire right, title, and interest in and to the co-pending U.S. Patent Application No. 10/565,739, filed September 25, 2006 for REFRIGERATING MACHINE OIL COMPOSITION in the names of Kazuo TAGAWA and Katsuya TAKIGAWA, as

indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 018361, Frame 0252, on September 25, 2006.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, in the event that any patent granted on the co-pending Application No. 10/565,739. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending Application No. 10/565,739 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on the co-pending Application No. 10/565,739, as presently shortened by any terminal disclaimer, in the event that any patent granted on the co-pending Application No. 10/565,739 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 10, 2011

By: 
James W. Edmondson
Reg. No. 33,871